

**UNITED STATES DISTRICT COURT**

GARY MOSELEY,

Plaintiff,

*versus*

BALDEN POLK, *et al.*,

Defendants.

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

Gary Moseley, an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed the above-styled civil rights lawsuit pursuant to 42 U.S.C. § 1983 against Balden Polk, Shannarcus Preston, Heather O'Dell and Sergeant Maralvet.

The court previously referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the claim against defendant Polk be dismissed for failure to state a claim upon which relief may be granted. Plaintiff alleges defendant Polk improperly denied a grievance he filed. The magistrate judge's recommendation was based on the conclusion that plaintiff did not have a protected liberty interest in having a grievance resolved in his favor.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion the objections are without merit. In his objections, plaintiff states defendant Polk falsified a state document by denying his grievance without considering a written statement sent by the grievance office. This

contention relates to defendant Polk's conduct during the grievance process. As the magistrate judge stated, plaintiff does not have a constitutionally protected liberty interest in having his grievance properly considered or resolved in his favor. *Thomas v. Owens*, 345 F. App'x 892, 896 (5th Cir. 2009) (citing *Geiger v. Jowers*, 404 F.3d 371, 374 (5th Cir. 2005)).

### ORDER

Accordingly, the objections filed by plaintiff in this matter (#41) are **OVERRULED**. The findings of fact and conclusions of law set forth in the report of the magistrate judge (#34) are correct, and the report of the magistrate judge is **ADOPTED**. The claim against defendant Polk is **DISMISSED** for failure to state a claim upon which relief may be granted.

SIGNED at Beaumont, Texas, this 4th day of June, 2025.



---

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE